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S E C R E T SECTION 01 OF 03 ALGIERS 001877

SIPDIS

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TAGS: **MARR PREL PGOV AG SOFA**

SUBJECT: ALGERIAN FOREIGN MINISTER CONFIRMS GOA READINESS
TO ACCORD SOFA PROTECTIONS, BUT THROUGH MORE INFORMAL MEANS

REF: A. ALGIERS 1853

1B. ALGIERS 1804

1C. STATE 158268 (NOTAL)

Classified By: Ambassador Richard W. Erdman,
for reason 1.4 (b) and (d)

SUMMARY AND COMMENT/RECOMMENDATION

11. (S) FM Bedjaoui told Ambassador August 31 that political sensitivities over the fact or appearance of a permanent U.S. troop presence or basing arrangements precluded Algeria from agreeing to a public, formal SOFA agreement. That said, Algeria understood the importance and mutual benefit of our growing military cooperation, including joint exercises, and was prepared to find a way to grant us the protections we needed on an exercise by exercise basis. Specifically, he said Algeria was prepared to give oral assurances and, when pressed by the Ambassador, said it might even be possible to give general, written assurances that participating troops would be treated as administrative/technical personnel under the Vienna Convention. Ambassador underscored U.S. disappointment over having received the MFA's August 23 note ruling out a SOFA agreement and over having been told the SOFA team should not come. This posture was not consistent with either the Minister's earlier discussion with the Ambassador welcoming such a visit or with Algeria's usual posture of welcoming dialogue when there were issues of mutual concern.

12. (S) Ambassador said he would convey Bedjaoui's idea for more informal assurances to Washington and asked if he would be prepared to receive a smaller delegation, for example, Ambassador Loftis plus one, to discuss it further. Bedjaoui thought this might/might be possible, provided a visit were handled in a low-key way, and Ambassador said we would be back in touch if there was Washington interest in that kind of visit. As we have reported elsewhere, the political sensitivities here are real and part of Algeria's liberation war legacy. Former FM Belkhadem, a conservative nationalist who serves as Minister of State and Personal Representative of the President and who heads the largest party in the presidential coalition and in the National Assembly, is strongly opposed to a SOFA and, we suspect, had a direct personal role in the MFA note rejecting a SOFA. Bedjaoui clearly has to navigate within these political constraints.

13. (S) In this context, the Foreign Minister's emphatic embrace of expanded military cooperation, including joint exercises, and his assurances that SOFA-like protections would be granted on a case by case by case basis are a measure of how far this country has come in just the last 2-3 years. In our judgment, we should view the GOA's inability to move ahead with a formal SOFA as a tactical setback only, while keeping our eye on the longer term strategic prize of expanding cooperation where possible with a country of increasing importance to the United States. While we initially felt a low-key visit by a smaller SOFA delegation might be useful at this juncture, on reflection we believe the timing is not good. Bedjaoui is abroad now and will be going on to the UNGA, with his return dates not entirely clear. More substantively, since he appears to be an ally in wanting to expand military cooperation and find a way to provide SOFA-like protections, we need to avoid undercutting him by getting into the political crosshairs of those with less helpful political agendas. In our judgment, our best bet for now will be to: 1) continue to discreetly press our SOFA concerns here and in Washington; 2) build a track record of joint exercises that will help the Algerian public view this kind of cooperation as normal, non-threatening, and mutually beneficial; and 3) use the Joint Military Dialogue session in Algiers this coming spring -- and the leadup to it -- to have the fuller SOFA discussions we had hoped to have during the SOFA team visit this month. (End summary/comment).

NEED FOR SOFA DIALOGUE

14. (S) Ambassador, accompanied by Pol/Econ Chief, called on FM Bedjaoui August 31 to discuss the issue of SOFA protections and to urge the GOA to receive a SOFA team which had hoped to visit Algiers later in September. Bedjaoui was unaccompanied. Ambassador said that we had been disappointed

by the MFA's diplomatic note of August 23 rejecting the possibility of a SOFA agreement and by the MFA's subsequent indication that the SOFA team should not come. Ambassador said we had been surprised by these developments because the purpose of the team visit had been to discuss, not negotiate, a SOFA agreement. In addition, the idea of a visit had been discussed positively at the Joint Military Dialogue talks in May in Washington and had been welcomed by the Minister himself in an earlier conversation with the Ambassador. It was unfortunate that Algeria, which usually urged dialogue when there were mutual concerns and differences, was reaching decisions and rejecting an agreement without any discussion.

U.S. PERSONNEL CANNOT OPERATE WITHOUT SOFA PROTECTIONS

15. (S) Ambassador stressed that U.S. military personnel engaged in mutually agreed exercises on Algerian soil need SOFA protections. Without them, we would not be able to engage in joint exercises, which were of increasing importance to Algeria, as recent developments and threats from the south had shown. The Flintlock Exercises this spring, in which 8-9 countries in the region had participated, had underscored the benefits of this kind of enhanced cooperation. The United States was not seeking permanent bases or a permanent troop presence, Ambassador emphasized. We were simply seeking for our personnel the kind of protections accorded administrative and technical personnel under the Vienna Convention. In the absence of such protections, our mutually beneficial military cooperation with Algeria could not progress very far.

BEDJAOUTI: WE WANT MORE EXERCISES AND ARE READY TO EXTEND INFORMAL SOFA PROTECTIONS

16. (S) Bedjaoui was categorical in saying that Algeria wanted these exercises, understood our need to assure protection for U.S. forces participating in such exercises, and was prepared to grant the Vienna Convention-like protections we required. "We will never refuse such protection," he asserted. "Algeria was very happy about this military cooperation, which was in Algeria's interest and benefit." He added that "before troops arrive, we'll find a solution to give them sufficient protections." It would not be difficult, for example, to treat exercise participants as technical personnel (temporarily) attached to the Embassy for the duration of the exercise. A more general SOFA agreement, however, raised both legal and political issues.

GOA NEEDS TO NAVIGATE POLITICAL SENSITIVITIES TO APPEARANCE OF PERMANENT BASING OR TROOP PRESENCE

17. (S) The legal concerns, Bedjaoui explained, involved only a few relatively simple language changes in existing Algerian law. The real difficulty, however, was not legal but political. There were considerable political sensitivities surrounding the idea of permanent bases or a permanent troop presence. The government thus had to proceed carefully, in a way that allowed our cooperation to develop while avoiding criticism that it was "selling Algeria to the United States."

It was essential to avoid steps that could give this false impression to the public. The Flintlock Exercises had gone well, without any serious criticism, Bedjaoui continued. We should continue in that spirit, getting the public used to this kind of cooperation and avoiding giving the false image of a permanent U.S. military presence. In this regard, Bedjaoui cited the greatly exaggerated influence attributed by the public and in the press to the U.S. following Algeria's adoption of hydrocarbon reform legislation, implying that a formal SOFA would generate considerably greater speculation about "U.S. pressures."

MINISTER WILLING TO CONSIDER CASE BY CASE WRITTEN ASSURANCES

18. (S) Noting that he liked transparency, Bedjaoui again emphasized that Algeria would provide protections for participating U.S. forces before their arrival in Algeria, though not in a formal SOFA document. Ambassador asked if such assurances would be in writing. Bedjaoui thought this might be possible on a case-by-case basis, provided it was outside the public view. "Trust me," he said. There was no other motive behind Algeria's negative reaction to the idea of concluding a formal SOFA. Concluding, Bedjaoui urged Ambassador to frame the MFA's diplomatic note (declining a SOFA) in the context he had just presented. Ambassador noted that the SOFA team would be visiting Tunis later in the month and that it might build confidence for Ambassador Loftis to come with a smaller team to hear directly the Foreign Minister's assurances. Bedjaoui thought that might be possible, provided it was very low-key and could be presented as "just another discussion" with a visiting U.S. official. Ambassador and the Minister agreed to be in touch on this issue.

